

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JOHN GREEN, JR.,

Plaintiff,

v.

CAPE HENLOPEN SCHOOL DISTRICT,
MORRIS, JAMES, HITCHENS &
WILLIAMS LLP, JENNIFER BRIERLEY,
ESQUIRE, GARY R. SPRITZ, ESQUIRE,
VICKI MCGINLEY, NANCY
HORTSMANN, SECRETARY OF
EDUCATION VALERIE S. WOODRUFF,
KRIS BATTAGLINI, SHANNON
PALMER,

Defendants.

C.A. No. 04-920 KAJ

**DEFENDANTS CAPE HENLOPEN SCHOOL DISTRICT,
KRIS BATTAGLINI, SHANNON PALMER, MORRIS, JAMES, HITCHENS
& WILLIAMS LLP, AND JENNIFER BRIERLEY, ESQUIRE'S
ANSWER TO COMPLAINT**

1. Denied; except admitted the Secretary of Education of the Delaware Department of Education appoints three-member hearing panels in accordance with 14 *Del. C.* § 3137(d) consisting of a Delaware attorney, an educator knowledgeable in the field of special education, and a layperson with a demonstrated interest in the education of children with disabilities. Serving on A.G.'s Panel were Dr. Vicki McGinley, Nancy Hortsmann, and the panel chairperson, Gary Spritz, Esquire. Jennifer L. Brierley, Esquire of Morris, James, Hitchens & Williams LLP represented the Cape Henlopen School District at A.G.'s administrative hearing, and Louann Vari, Esquire represented the Delaware Department of Education. Neither Green nor his son were represented by counsel.

2. Denied.

3. Denied.

4. Denied.

5. Denied; excepted admitted Plaintiff's due process hearing request was submitted on or about December 30, 2003 and the Panel's Decision was issued on or about May 6, 2004.

6. Denied; except admitted the testimony of Plaintiff's psychiatrist speaks for itself.

7. Denied.

8. Denied.

9. Answering Defendants are without sufficient information or knowledge to affirm or deny the allegations in Paragraph 9.

10. Denied.

11. Denied.

12. Denied.

13. Denied.

14. Denied.

15. Denied.

16. Denied.

17. Denied.

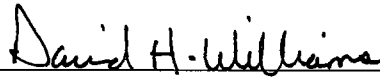
18. Denied.

ADDITIONAL DEFENSES

19. Plaintiff fails to state a claim against Defendants upon which relief may be granted.

20. Plaintiff is barred from representing his son's interests in the federal courts and licensed legal counsel must enter an appearance to represent A.G.

WHEREFORE, Defendants respectfully request this action be dismissed with prejudice with all costs and fees assessed against Plaintiff.



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District, Dr. Kris Battaglini, Shannon
Palmer, Morris, James, Hitchens & Williams
LLP, Jennifer L. Brierley, Esquire

Date: December 28, 2005

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CERTIFICATE OF SERVICE

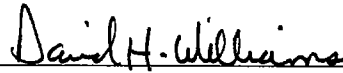
I hereby certify that on December 28, 2005, I electronically filed the attached **DEFENDANTS CAPE HENLOPEN SCHOOL DISTRICT, KRIS BATTAGLINI, SHANNON PALMER, MORRIS, JAMES, HITCHENS & WILLIAMS LLP, AND JENNIFER BRIERLEY, ESQUIRE'S ANSWER TO COMPLAINT** with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

Mary L. Cooke, Esquire
Deputy Attorney General
Department of Justice
102 West Water Street
Dover, DE 19904

Craig Fitzgerald, Esquire
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102 West Water Street
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and a copy has been served by placing same in the United States Mail, postage prepaid,
addressed to the following:

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